



**Ovid Township  
Special Use Permit Application  
and Site Plan Review**

For

**Coldwater River Solar Project**

Submitted by:

**Coldwater River Solar, LLC  
Affiliate of Apex Clean Energy Holdings, LLC  
120 Garrett Street, Suite 700  
Charlottesville, VA 22902**

\_\_\_\_\_, 2022

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# **I. PROJECT INTRODUCTION**

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Coldwater River Solar, LLC, a Delaware limited liability company, an indirect subsidiary of Apex Clean Energy Holdings, LLC. (“Applicant”) is seeking site plan review (“Site Plan Review”) and special use permit approval (“SUP”) to construct 150 MWac utility-scale solar facility (“Project”), 94.5 MWac of which is located in Ovid Township (“Township”) located in Branch County, Michigan pursuant to Sections 4.03(x) and 15.38 of the Township’s Zoning Ordinance (“Ordinance”) effective date February 24, 2006 with amendments as of June 3, 2021. The Project will be located across multiple properties in Ovid Township as shown on the enclosed Site Plan (“Property”). Applicant submits this application along with the attached supporting documents for consideration by the Ovid Township Planning Commission (“Planning Commission”) and Township Board (“Board”).

Applicant is a full-service renewable energy company focused on bringing utility-scale generation facilities to market, from site origination and financing to turnkey construction and long-term asset management. Applicant’s mission-driven team of more than 300 professionals uses a data-focused approach and an unrivaled portfolio of projects to create solutions for the world’s most innovative and forward-thinking customers. Headquartered in Charlottesville, Virginia, Applicant is expanding the renewable frontier across North America.

Applicant’s track record of successful transactions and strong relationships in the global financial community underpin its capabilities: since the company’s founding, Applicant has commercialized more than 30 projects totaling over 7.5 GW of capacity, and nearly two dozen wind and solar facilities are now operating around the country, totaling approximately 5 GW. Operating assets under management have grown to over 2 GW.

In recent years, Applicant has expanded its offerings from utility-scale wind and solar to energy storage facilities, distributed energy resources, microgrids, and green fuel technologies. The capacity to build and operate projects—both its own and those owned by third parties—combined with the largest portfolio of projects in the nation gives Applicant unprecedented flexibility.

In late 2021, funds and other accounts managed by Ares Management Corporation’s Infrastructure and Power strategy acquired a majority stake in Applicant. The transaction will provide Applicant with additional equity growth capital as it seeks to transition to a pure-play renewable energy independent power producer at a moment of heightened demand associated with the new energy economy.

Solar energy is low impact, clean, safe, and ecologically beneficial. The Project will emit no carbon pollution, release no toxic materials or waste, require no water to operate, and displace traditional sources of electric generation. The Michigan Department of Agriculture & Rural Development (“MDARD”) now recognizes the need to install solar arrays on agricultural land, including land enrolled in PA116. Agricultural land is the most compatible land for solar energy system projects as the land generally consists of large acreage and solar uses are low intensity. Finally, solar energy systems serve to supplement farming incomes and allow for nutrient and land

recharge while supporting native vegetation and pollinator habitat species. Giving soil rest can help maintain soil quality and contribute to biodiversity of agricultural land to increase nutrient levels and enable the land to revert back to agricultural uses at the end of the operational life for solar installations.

Once operational, the Project will capitalize on some of the strongest solar resources in the State of Michigan to provide approximately 334,394 MWh/yr of clean energy to the local transmission grid, which is enough to power approximately 27,000 homes annually. With the passage of the Clean and Renewable Energy and Energy Waste Reduction Act, 2008 PA 295, Michigan made a significant push toward cleaner electric energy generation sources with renewable energy and efficiency targets. 2016 PA 342 increased the target amount of electric energy to be produced from renewable sources to 15% by 2021 and further set a goal of meeting not less than 35% of the State's electric needs through a combination of energy waste reduction and renewable energy by 2025. Given the anticipated retirement of coal generation, the establishment of replacement renewable energy resources is critical to maintaining the capacity and reliability of energy for the South Western Michigan region. Without such investment and development in renewable energy, the State could be facing disruption of electrical service once coal is retired.

The Project represents an initial capital investment of approximately \$167,000,000 and will bring significant economic and environmental benefits to Ovid Township. The Project will contribute real and personal property taxes that are estimated to be approximately \$21,000,000 across all taxing districts over the Project's 30-year life. The revenues generated from the Project will come with virtually no impact on any County or Township capital facilities or public services. The Project will create approximately 242 full-time-equivalent (FTE) new local jobs during construction, representing approximately \$5.5 million of new local earnings in the County's construction sector. During this time, the project will create an estimated \$2.9 million of new local earnings in Ovid Township, and new long-term local earnings (annually) are approximately \$225,000 for Ovid Township and \$376,000 for Branch County. The complete Economic Impact Analysis report can be found in Exhibit 17.

The Project, including those parcels with good neighbor agreements, will be located on 18 parcels located in Ovid Township. Below is a list of the relevant parcel numbers and property owner information for each parcel ("Participating Lots"):

<b>Property Owner</b>	<b>Parcel Number</b>	<b>Property Address</b>	<b>Zoning</b>	<b>Type</b>
Gaglio Farms LLC	110-005-300-001-00	129 Sanford Rd, Coldwater, MI 49036	AG	Easement
Gaglio Farms LLC	110-008-300-001-98	E Lockwood Rd, Coldwater, MI 49036	AG	Easement
Nunemaker Family Farms LLC	110-005-100-001-00	Fenn Rd, Coldwater, MI 49036	AG	Easement
Walker, Brian and Tammy	110-005-300-002-99	238 E Lockwood Rd, Coldwater, MI 49036	AG	Easement

Thomas and Lynne Cranson Trust	110-005-400-003-00	E Lockwood Rd, Coldwater, MI 49036	AG	Easement
Thomas and Lynne Cranson Trust	110-007-400-005-00	Central Rd, Coldwater, MI 49036	AG	Easement
Thomas and Lynne Cranson Trust	110-008-300-003-00	Central Rd, Coldwater, MI 49036	AG	Easement
Dean R Diller Land LLC	110-009-100-001-00	331 E Lockwood Rd, Coldwater, MI 49036	AG	Easement
Dean R Diller Land LLC	110-009-100-002-00	Fillmore Rd, Coldwater, MI 49036	AG	Easement
Dean R Diller Land LLC	110-009-100-004-00	Fillmore Rd, Coldwater, MI 49036	AG	Easement
Thomas and Lynne Cranson Trust and Dean R Diller Land, LLC	110-008-200-001-00	289 E Lockwood Rd, Coldwater, MI 49036	AG	Easement
Thomas and Lynne Cranson Trust and Dean R Diller Land, LLC	110-008-400-001-00	Fillmore Rd, Coldwater, MI 49036	AG	Easement
Mark W. Neesely and Shamayne R. Neesley	110-006-200-011-00	120 S Sanford Rd, Coldwater, MI 49036	AG	Easement
Zach Anglin	110-007-400-004-00	281 S Behnke Rd, Coldwater, MI 49036	AG	Easement
Alan J. Dixon	110-006-200-010-00	108 South Sanford Road, Coldwater, MI 49036	RR	Neighbor
Janean S. Teachout	110-005-300-002-01	266 East Lockwood Road, Coldwater, MI 49036	RR	Neighbor
Brady Cox and Kelly Cox	110-005-300-002-02	238 East Lockwood Road, Coldwater, MI 49036	RR	Neighbor
Ricky K. Jaquay and June A. Jaquay	110-007-400-002-02	269 Behnke Rd, Coldwater MI 49036	RR	Neighbor

The Participating Lots are all zoned AG: Agricultural District. Solar Farms (“Solar Energy Systems”) are permitted under the Ordinance in the AG District by special use permit under Section 4.03(X).

## II. SOLAR ENERGY SYSTEM PROCEDURES AND COMPLIANCE

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Under the Township Ordinance Section 15.38, the Project is considered a Solar Energy System “solar farm”. The following is an analysis of each of the applicable criteria under the Township’s Ordinance with respect to the Application:

**§ 15.38.D.** Solar farms shall be subject to the following regulations, in addition to the general standards for special uses:

1. Definition of “Participating” and “Non-Participating”: As used in this Section, the following terms shall have the following meanings:
  - a) Participating Lot: A lot where the landowner has leased land to the solar applicant, OR a landowner that has any other written and signed agreement with the solar applicant with regard to the solar farm, including “good neighbor” agreements and other agreements that do not necessarily allow the placement of solar panels on the lot.
  - b) Non-Participating Lot: Any lot that does not meet the definition of “Participating Lot” in Subsection a).

**RESPONSE:** Applicant understands this regulation and has provided a list of all Participating Lots above.

2. Setbacks. All solar panels and other structures associated with the solar farm shall meet the following minimum setback requirements. Fencing shall only be subject to this Section as described in Subsection 8. The setbacks described in this Section may be increased or decreased by the Township Board, based on the criteria in Section 20.06.B.
  - a) From a lot line abutting a lot that is not participating in the solar project, is greater than 5 acres in area, and does not contain a residential dwelling unit: 50 feet
  - b) From a lot line abutting a lot that is not participating in the solar project, and is EITHER under 5 acres are OR contains a residential dwelling unit: Adjacent to no more than 2 lot lines for a given non-participating parcel, the minimum setback shall be 200 feet. For all other lot lines of the non-participating parcel, the setback shall be 1,000 feet. These setbacks shall not apply across public rights-of-way.
  - c) From a residential dwelling unit existing at the time of Special Use approval for the solar farm: 500 feet from nearest corner of the dwelling unit. This setback requirement shall apply across public rights-of-way.
  - d) From a public or private roadway: 50 feet, or the required front setback for the zoning district in question, whichever is greater. The requirements of Section 12.02, Footnote 6 must also be met.

- e) In order to create corridors through the solar farm for the passage of wildlife, there shall be a 10 foot setback requirement from the lot line of a participating parcel. The Township Board may waive this setback entirely upon determining that the applicant has created sufficient wildlife corridors through the solar farm that the setback is unnecessary.

**RESPONSE: This requirement is met. See Exhibits 2 (Site Plan) and 5 (Setback Map).**

- 3. No solar panels associated with a solar farm shall be located within the boundaries of a wetland delineated by the State of Michigan.

**RESPONSE: This requirement is met. See Exhibits 2 (Site Plan) and 5 (Setback Map).**

- 4. Landscaping, Ground Cover, and Buffering: The following requirements must be met for all solar farms:

- a) Buffering/Screening:

- (1) The following screening requirements must be met along all property lines meeting the following criteria:

- (i) The adjacent parcel is non-participating.
- (ii) The adjacent parcel contains one or more residential dwelling units OR the adjacent parcel is under 5 acres in area.
- (iii) The required setback from the property line in question, after any alterations by the Township Board under Section 20.06.B, is smaller than or equal to 1,000 feet.

- (2) When landscape screening is required, it may be planted anywhere within the required setback, and shall meet the following requirements:

- (i) Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least 6 feet in height at the time of planting in all areas where the solar panels will be visible from a residence (in the opinion of the Township Board), and at least 4 feet in height at the time of planting in all other areas.
- (ii) The required evergreen trees shall be a mixture of some or all of the following species: White Cedar, White Pine, Colorado Blue Spruce, Norway Spruce, Black Hills Spruce, and White Spruce. The applicant must submit a description of the height and spread of each proposed species at maturity, as well as an estimated timeline for each species to reach maturity.

- (iii) The Township Board shall determine at the time of approval whether the proposed plantings constitute a “dense visual screen” at the time of planting and whether the design also allows for the “healthy development of the trees.” The Township Board may require additional plantings, or other design changes to the landscape plan, as a condition of Special Land Use Approval. In making their determination, the Township Board may request the opinion of a landscape architect, arborist, or other expert, with costs to be paid by the applicant.
- (3) Existing Trees and Woodlands: Existing trees shall be preserved within areas where screening is required. The Township Board may waive or alter Subsection 2 above upon determining that existing foliage on a participating lot provides a sufficient screen from neighboring residential uses (foliage on non-participating lots shall not count for screening requirements). If existing foliage is permitted to count for screening requirements, the solar farm owners shall be responsible for the maintenance of the existing foliage, including compliance with Subsection iv, and the planting of new landscaping to replace any areas that no longer form a sufficient screen due to death, disease, or destruction of plants.
- b) Ground Cover: Between the solar panels, the ground must be covered by natural vegetation which may include, but is not limited to:
  - (1) Native Grasses, including, but not limited to bluestem, sedge, and bottlebrush.
  - (2) Grazing Grasses, including, but not limited, to switchgrass, gamma, and Indiangrass.
  - (3) Pollinator Habitat, including, but not limited to, sunflower, milkweed, and black-eyed susan.
- c) Maintenance: All plantings shall be installed in a design that supports their long- term health and vitality. All plantings shall be maintained in a sound health and vigorous growing condition. The Township may require dead, diseased, damaged, or destroyed species within the required setback area to be replaced with new plantings. The new plantings must comply with this Ordinance and must result in an overall landscape screen that complies with this Ordinance.

**RESPONSE:** This requirement is met. All landscape, screening, and buffer requirements have been met. All existing vegetation is being preserved to the extent feasible. See Exhibit 9 (Vegetation Restoration and Screening Exhibits). Additionally, Applicant has provided visual renderings from locations along public roadways and non-participating parcels where the solar farm will be visible, excluding any locations that will be screened from view via the



proposed vegetation screening where the Project is not visible. See Exhibit 8 (Visual Simulations).

5. Noise. Noise emanating from solar panels or other structures associated with the solar farm shall not exceed 55 decibels (dB), as measured at any residence on a non-participating lot.

**RESPONSE:** This requirement is met. The Project has been designed to have a minimum impact on the natural resources on the Property during construction but once constructed the Project will not create vibration, smoke, fumes, odors, dust, or glare. Sound from the Project will be below the required level of 55 dBA level. See Exhibit 7 (Sound Study).

6. Drainage.
  - a) Prior to approval of the Special Use permit by the Township Board, the solar farm applicant must obtain written confirmation from the County Drain Commissioner that stormwater drainage will not be impacted, or that any impacts will be mitigated without negative impacts on any nearby lots (participating or non-participating).
  - b) Any damage to underground drainage tiles, or other stormwater infrastructure or County Drains caused during the installation of the solar farm shall be repaired by the solar farm owner within 90 days of discovery of the damage. The Township Board may extend this deadline upon determination that the solar farm owner has made good faith progress towards the repair.

**RESPONSE:** This requirement is met. The Project has been designed to be compliant with Branch County and Michigan State drainage requirements. All required erosion control and stormwater permits will be obtained before the start of construction. Minimal grading is required to smooth out ridges and valleys, but no wholesale grading will be conducted. See Exhibit 18 (Stormwater Erosion and Sediment Control Plan) and 24 (Letter of No Impact from County Drain Commissioner).

7. Glare. No solar farm shall produce glare, as defined by this Ordinance, that causes negative impacts on any adjacent lot (participating or non-participating), or causes a danger to motorists on any roadway.

**RESPONSE:** This requirement is met. The Project is a solar farm, which is a low-intensity use, and will not have any negative glint or glare. See Exhibit 14 (Glint and Glare Study).

8. Fencing. Clusters of solar panels shall be surrounded by a six-foot-high fence with self-locking gate. The fence shall not be subject to setback requirements, except where necessary to preserve wildlife corridors. The design of the fence must be approved by the Township Board, and no design other than the approved design shall be installed.

**RESPONSE: This requirement is met. The Project will be surrounded by a 7-foot-high self-locking locked fence. See Exhibit 10 (Preliminary Fence Plan).**

9. The solar farm must be designed and operated to allow sufficient access for public safety vehicles in the event of an emergency, in the opinion of the fire department with jurisdiction.

**RESPONSE: This requirement is met. The Project will be designed to be readily accessible to emergency vehicles. See Exhibit 2 (Site Plan) and 15 (Emergency Action Plan).**

10. All power transmission lines and other utility wires within the project boundary shall be located underground.

**RESPONSE: This requirement is met. In order to connect each of the solar panels and effectively collect and store energy, Applicant connects the solar panels with small low-voltage DC cables (1000v-1500V) that string along the underside of the panels and collect into the combiner boxes. These cables are supported by CAB cable management hangars, connecting all of the panels and inverters. The systems are located underneath the solar panels, but are located above ground. These low voltage cables are separate and distinct from higher voltage power transmission lines and utility wires. All power lines between inverters and the substation will be located underground. See Exhibit 2 (Site Plan).**

11. There shall be maintained a current general liability policy covering bodily injury and property damage (including damage to public roadways and non-participating properties) with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The insurance policies shall be reviewed by the Township every five years, and the Township Board may require increases to the policy limits.

**RESPONSE: This requirement is met. See Exhibit 12 (Evidence of Insurance Coverage).**

12. If the land on which the solar farm is proposed is to be leased, rather than owned, by the solar farm operator, all lots within the solar farm project boundary shall be included in a recorded easement, lease, or consent agreement specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the solar farm operator and the affected parties shall be in place prior to commencing construction, unless specified otherwise by the special use permit conditions.

**RESPONSE: This requirement is met. See information in the table above and copies of the memorandums of leases. See Exhibit 16 (Assignment and Assumption Agreement and Memorandum of Assignment).**

13. No solar farm shall be installed until evidence has been given to the Township that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. The agreement must be submitted to the Township prior to construction.

**RESPONSE:** Applicant understands this regulation and will comply. See Exhibit 11 (MISO Interconnection Request).

14. The owner of the solar energy system shall submit, as part of the Special Use application, written documentation that the proposed project has a valid interconnection application in process with the regional or local transmission provider. Off-grid systems shall be exempt from this requirement. The Special Use application shall not be approved without the required documentation. A copy of the approved interconnection agreement must be submitted to the Township prior to the start of construction.

**RESPONSE:** This requirement is met. See Exhibit 11 (MISO Interconnection Request).

15. Abandoned or unused solar panels and associated facilities shall be removed, by the owner of the solar panels. The removal process for solar farms shall be consistent with the process for abandonment of Special Uses described in Section 20.06.A. All decommissioned materials must be removed from Ovid Township within 1 month of the completion of the removal process. No permanent storage or disposal of decommissioned solar panels or related equipment shall be permitted in the Township.

**RESPONSE:** This requirement is met. See Exhibit 6 (Decommissioning Plan).

#### **§ 15.38.E. Required Application Information.**

Solar farms shall be required to submit all information listed below as part of the Special Use application. The Zoning Administrator may waive information requirements for accessory solar energy systems (but not for solar farms), upon determining that the information is not relevant to determining compliance with this Ordinance for the application in question. The Township may seek the advice and consultation of third-party experts to review the information listed below, and may require the applicant to submit funds to cover the cost of the expert review.

1. All information required for Special Use Approvals, as described in Article 20, including, but not limited to, owner contact information, a complete Site Plan, stormwater drainage information, a comprehensive landscape plan.

**RESPONSE:** This requirement is met. See information provided herein in the Site Plan and SUP sections III and IV. See also Exhibits 2 (Site Plan), 5 (Setback Map), 6 (Decommissioning Plan), 7 (Sound Study), 9 (Vegetation Restoration and Screening Exhibits), 18 (Stormwater Erosion and Sediment Control Plan), 22 (Grading Plan), and 24 (Letter of No Impact from County Drain Commissioner).

2. Operational information, including power output, safety/security provisions, interconnection to transmission grid, lighting, potential telecommunications interference, and projected number of permanent jobs created in Ovid Township.

**RESPONSE:** This requirement is met. The location of solar farm relies heavily upon nearby transmission lines that have the ability to interconnect a project to the electric grid. The Project abuts an existing 138kv overhead transmission line that will allow the power produced from the Project to interconnect to the existing electric grid and keep the Project financially viable. Therefore, the Project must be located as designed. The Applicant carefully evaluated Coldwater and Ovid townships because of their close proximity to the electric grid and solar resources. No telecommunications interference will result from this Project. Finally, the Project will create approximately 242 full-time-equivalent (FTE) new local jobs during construction, 6 permanent local jobs in Ovid, and 10 permanent local jobs in Branch County. See Exhibits 7 (Sound Study), 13 (Equipment Specifications & Spec Sheets), 14 (Glint and Glare Study), and 15 (Emergency Action Plan).

3. Construction information, such as timeline, phasing, potential expansions, construction traffic/truck routes, temporary access roadways, and temporary construction jobs created.

**RESPONSE:** This requirement is met. See Exhibit 2 (Site Plan). Construction of the Project will be performed in a single phase and is expected to take 12 months from start to finish. Construction start and stop dates are dependent on permitting and financing timelines. General start of construction is expected in Q3 2023 and the commercial operation date is expected in Q3 2024. The Project will create approximately 242 full-time-equivalent (FTE) new local jobs during construction. There is an expected 1,800 total truck trips divided across 3 stages of construction: (1) Grading and Site Preparation - will account for 20% of project's heavy vehicle traffic. Estimated 6 truck trips/day; (2) Solar Panel Installation - will account for 70% of heavy vehicle traffic. Estimated 10 truck trips/day; and (3) Mechanical/Electrical and Installation - will account for 10% of heavy vehicle traffic. Estimated 4 truck trips/day. It is expected that 65% (approximately 1,200) of the 1,800 trips will be standard dump trucks. Based on the existing roadway conditions, the locations for proposed access points, and the available average daily traffic number for the transport roads, the anticipated construction traffic volumes will not exceed available roadway capacities; the roadways should not be significantly impacted by standard construction traffic. During operation and maintenance, the facility will not generate a significant volume of traffic with the anticipation of only a few pickup trucks each day.

4. Leases (and/or other agreements) for all participating parcels. Personal identifying information and financial information may be redacted.

**RESPONSE:** This requirement is met. See information in the table above and copies of the memorandums of leases. See Exhibit 16 (Assignment and Assumption Agreement and Memorandum of Assignment).

5. Visual renderings of the proposed solar farm, as seen from all public roadways and non-participating parcels where the solar farm will be visible. Landscaping should be shown as it will appear at the time of planting, and as it is projected to appear 5 years after completion of construction.

**RESPONSE:** This requirement is met. Applicant has provided visual renderings from locations along public roadways and non-participating parcels where the solar farm will be visible, excluding any locations that will be screened from view via the proposed vegetation screening where the Project is not visible. See Exhibit 8 (Visual Simulations) and 9 (Vegetation Restoration and Screening Exhibits).

6. A list of required approvals from County, State, and/or Federal entities with jurisdiction, and a description of the status of each approval. Proof of approval must be submitted prior to construction.

**RESPONSE:** Applicant will comply with this requirement. Exhibit 20 is a table listing the County, State, and Federal permits that are required and the current status of each. The Project will obtain, comply, and share an update to this table prior to the issuance of building permits and construction. See Exhibit 20 (Permit Matrix).

7. Information on hazardous waste storage, including battery locations and storage.

**RESPONSE:** This requirement is met. There will be no hazardous waste storage. See Exhibits 2 (Site Plan) and 13 (Equipment Specifications & Spec Sheets).

8. Insurance policies as required by Section D.11.

**RESPONSE:** This requirement is met. See Exhibit 12 (Evidence of Insurance Coverage).

9. The information required in Sections D.12, D.13, and D.14.

**RESPONSE:** This requirement is met. See also Exhibits 11 (MISO Interconnection Request), 12 (Evidence of Insurance Coverage), and 16 (Assignment and Assumption Agreement and Memorandum of Assignment).

10. All other information deemed necessary by the Township in order to determine whether the application meets the requirements of this Ordinance, including the Special Use Approval Criteria in Section 20.04.

**RESPONSE:** Applicant will comply with this requirement and provide any further necessary information reasonably requested by the Township.

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### III. SITE PLAN REVIEW PROCEDURES AND ZONING ORDINANCE COMPLIANCE

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Applicant's Site Plan, enclosed hereto as Exhibit 2, includes all of the applicable required information under Section 19.03. Additionally, Applicant has designed the Project to comply with all Township standards of approval:

#### **§ 19.06            Criteria for Granting Site Plan Approval**

In the review of all site plans, the Zoning Administrator and the Planning Commission shall endeavor to assure the following:

A. The proposed development conforms to all provisions of the Zoning Ordinances.

**RESPONSE:** This requirement is met. The Property is currently located in the AG: Agricultural District. The Township Zoning Ordinance allows Solar Energy Systems as a special use within this district.

B. All required information has been provided.

**RESPONSE:** This requirement is met. See attached Exhibit 2 (Site Plan).

C. The movement of vehicular and pedestrian traffic within the site and in relation to access streets and sidewalks will be safe and convenient.

**RESPONSE:** This will be an unmanned facility that will be within a 7-foot high self-locking locked fence and therefore will not generate pedestrian traffic. To the extent vehicles access the site it will be for routine maintenance. Additionally, Applicant will comply with all local and county permits and rules regarding vehicular and pedestrian traffic during the construction of the Project. See Exhibit 10 (Preliminary Fence Plan)

D. The proposed development will be harmonious with existing and future uses in the immediate area and the community.

**RESPONSE:** This requirement is met. The Property and surrounding area is zoned AG: Agricultural District and is used primarily for farming. The Michigan Department of Agriculture & Rural Development now recognizes the need to install solar arrays on agricultural land, including land enrolled in PA116. Agricultural land is the most compatible land for solar energy system projects as the land consists of large acreage and solar uses are low intensity. Finally, solar energy systems serve to supplement farming incomes and allow for nutrient and land recharge while supporting native vegetation and pollinator habitat species. Giving soil rest can help maintain soil quality and contribute to biodiversity of agricultural land to increase nutrient levels and enable the land to revert back to agricultural uses at the end of the operational life for solar installations. See Exhibit 2 (Site Plan).

E. The proposed development provides the necessary infrastructure improvements, such as roads, drainage, pedestrian facilities and utilities, and parking and loading spaces, to serve the site, and be adequately coordinated with the current and future use of adjacent properties.

**RESPONSE:** This requirement is met. The Project is unmanned. The proposed equipment for the Project will not require water, sanitation, or gas services. Therefore, the Property will be adequately served and will not detrimentally impact current essential public facilities and services or require any necessary infrastructure improvements. The Project has been designed to be compliant with Branch County and Michigan State drainage requirements. See Exhibit 18 (Stormwater Erosion and Sediment Control Plan) and 24 (Letter of No Impact from County Drain Commissioner). Additionally, the Project will only include interior roads for maintenance. See Exhibit 2 (Site Plan). Additionally, Applicant will comply with all local and county permits and rules during the construction of the Project.

F. The applicable requirements of Township, County and State agencies are met regarding grading and surface drainage and for the design and construction of storm sewers, storm water holding facilities, water mains, and sanitary sewers.

**RESPONSE:** This requirement is met. The Project has been designed to be compliant with Branch County and Michigan State drainage requirements. All required erosion control and stormwater permits will be obtained before the start of construction. Minimal grading is required to smooth out ridges and valleys, but no wholesale grading will be conducted. See Exhibit 18 (Stormwater Erosion and Sediment Control Plan) and 24 (Letter of No Impact from County Drain Commissioner).

G. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner that will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, and woodlands.

**RESPONSE:** This requirement is met. See responses above. Minimal grading is required to smooth out some ridges and valleys, but no wholesale grading will be conducted. Agricultural land is the most compatible land for solar energy system projects as the land consists of large acreage and solar uses are low intensity. See Exhibits 2 (Site Plan), 9 (Vegetation Restoration and Screening Exhibits) and 18 (Stormwater Erosion and Sediment Control Plan).

H. The proposed development shall respect the natural topography to the maximum extent possible by minimizing the amount of cutting, filling, and grading required.

**RESPONSE:** This requirement is met. See responses above regarding minimal grading. See Exhibits 2 (Site Plan), 9 (Vegetation Restoration and Screening Exhibits), 18 (Stormwater Erosion and Sediment Control Plan) and 22 (Grading Plan).

I. The proposed development will not cause soil erosion or sedimentation.

**RESPONSE:** This requirement is met. See responses above. See Exhibits 2 (Site Plan), 9 (Vegetation Restoration and Screening Exhibits), 18 (Stormwater Erosion and Sediment Control Plan) and 22 (Grading Plan).

J. Landscaping, including trees, shrubs and other vegetative material, is provided to maintain, improve, and/or restore the aesthetic quality of the site.

**RESPONSE:** All landscape, screening, and buffer requirements have been met. In addition, existing vegetation is being preserved to the extent feasible. See Exhibit 9 (Vegetation Restoration and Screening Exhibits).

K. Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to texture, scale, mass, proportion, materials, and color.

**RESPONSE:** This requirement is met. The Project will not involve the construction of any buildings in Ovid Township - only solar arrays and the related facilities. See Exhibit 2 (Site Plan), 13 (Equipment Specifications & Spec Sheets), and 22 (Grading Plan).

L. All elements of the site design are harmoniously and efficiently organized in relation to topography, parcel configuration, adjacent properties, traffic operations, adjacent streets and driveways, pedestrian access, and the type and size of buildings.

**RESPONSE:** This requirement is met. The Project has been designed to minimize any negative effect the use may have on surrounding properties by applying the appropriate setbacks, sound, and screening requirements to the design of the Project. Most of the land containing and surrounding the Project is farmland. The Michigan Department of Agriculture & Rural Development now recognizes the need to install solar arrays on agricultural land, including land enrolled in PA116. The Project is a solar farm, which is a low-intensity use, and will not increase traffic, odor, fumes, glare, or dust. Further, all site work construction will be in accordance with all state and local laws. See Exhibits 2 (Site Plan), 7 (Sound Study), 8 (Visual Simulations), 9 (Vegetation Restoration and Screening Exhibits), 11 (MISO Interconnection Plan), 14 (Glint and Glare Study), 17 (Economic Impact Analysis), 18 (Stormwater Erosion and Sediment Control Plan), 19 (Property Valuation Study), and 22 (Grading Plan).



## IV. SPECIAL USE PERMIT PROCEDURES AND ZONING ORDINANCE COMPLIANCE

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**20-4 Standards for Approval.** Approval of a special land use shall be based upon the determination that the proposed use complies with all applicable requirements of this Ordinance, and all of the following standards applicable to the use:

A. **A documented need exists for the proposed use.** A documented and immediate need exists for the proposed use within the Township.

**RESPONSE:** See prior responses and information above in Sections II and III. With the scheduled retirement of 3000 MW of coal generation in Michigan by 2023, there is a critical need and demand for renewable energy replacement. This Project is essential to help meet the stated demand of Michigan utilities to add 4,900 MW of renewable energy by 2030. Given the anticipated retirement of coal generation, the establishment of replacement renewable energy resources is important to maintaining the capacity and reliability of energy for the South Western Michigan region. The location of solar projects rely heavily upon nearby transmission lines that have the ability to interconnect a project to the electric grid. The Project abuts an existing 138kv overhead transmission line that will allow the power produced from the Project to interconnect to the electric grid and keep the Project financially viable. Therefore, the Project must be located as designed. The Applicant carefully evaluated Coldwater and Ovid townships because of their close proximity to the electric grid and solar resources. The Project has been designed to minimize any negative effect the use may have on surrounding properties. Most of the land surrounding the Project is vacant farmland. The Project is a solar farm, which is a low-intensity use, and will not increase traffic, odor, fumes, or dust. The Project meets all applicable setback requirements and has proposed vegetative screening in accordance with Ovid Township requirements. See Exhibits 5 (Setback Map), 9 (Vegetation Restoration and Screening Exhibits), and 10 (Preliminary Fence Plan). Further, all site work construction will be in accordance with all state and local laws.

B. **Compatibility with adjacent uses.** The use is compatible with adjacent uses and the existing or intended character of the surrounding area, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the area or Township as a whole.

**RESPONSE:** The Project is wholly within the AG: Agricultural District and will consist of a low-intensity use. Renewable energy uses are compatible with agricultural uses and will have no negative impact on property values. See Exhibits 8 (Visual Simulations) and 19 (Property Valuation Study).

C. **Compatibility with the Master Plan.** The location and character of the use is consistent with the general principles, goals, objectives, and policies of the adopted Ovid Township Master Plan.

**RESPONSE:** The Property is currently located in the AG: Agricultural District. The Township Zoning Ordinance allows Solar Energy Systems as a special use within this district. The Master Plan and Ordinance encourage both the preservation of agricultural land uses and natural resources and opportunities to meet the needs of future development without sacrificing the Township's rural character or open space. Moreover, giving soil rest can also help maintain soil quality and contribute to biodiversity of agricultural land to increase nutrient levels and enable the land to revert back to agricultural uses at the end of the operational life for solar installations. As such, the Project is consistent with the general objectives of the Master Plan and Zoning Ordinance.

D. **Compliance with applicable regulations.** The use is in compliance with all applicable Zoning Ordinance provisions, Township codes and ordinances, federal and state laws and outside agency regulations.

**RESPONSE:** The application meets all criteria under the Township's Zoning Ordinance as demonstrated herein and will comply with all federal and state laws and outside agency regulations.

E. **Impact upon public services.** The impact of the use upon public services will not exceed the existing or planned capacity of such services, including but not limited to utilities, streets, police and fire protection services, and educational services.

**RESPONSE:** The special land use will not have any adverse effect on the need and demand for public services because no public services will be required for the Project. In fact, the Project is more in the nature of a public service itself in that it will ensure the delivery of reliable electricity throughout the region. The Project is unmanned and will not require water, sanitary, or gas services. Therefore, the Property will be adequately served and will not detrimentally impact current essential public facilities and services. Additionally, the Project will add additional tax revenue to the Township that can be used to improve and maintain existing public services and facilities. See Exhibit 17 (Economic Impact Analysis).

F. **Traffic impacts.** The use is designed and located in a manner that minimizes any adverse traffic impacts.

**RESPONSE:** The Project will not create any adverse traffic impacts as it is an unmanned facility. It is not anticipated that daily vehicular traffic will disrupt local traffic flows during normal peak hours. Assuming site traffic is focused on Old Highway 27/Angola Road, no improvements are necessary/anticipated to accommodate site-generated traffic. A traffic/road evaluation was conducted and concluded a recommendation of no replacement of any existing culverts for traffic flow. Additionally, Applicant is considering putting temporary traffic control measures in place for the duration of the site preparation/construction phase for the Project.

G. **Impact upon the environment and the public health, safety, and welfare.** The use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke,

fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts. The proposed use shall be compatible with the natural environment.

**RESPONSE:** The Project has been designed to have a minimal impact on the natural resources on the Property during construction, but once constructed the Project will not create vibration, smoke, fumes, odors, dust, or glare. Sound from the Project will be below the required level of 55 dBA level. The Project has been designed to have minimal impact on the environment, including, but not limited to avoiding existing surface water, streams, county drains, and existing vegetation. Agricultural land is the most compatible land for solar energy system projects as the land is generally large acreage and solar uses are low intensity. Giving soil rest can also help maintain soil quality and contribute to the biodiversity of agricultural land to increase nutrient levels and enable the land to revert back to agricultural uses at the end of the operational life for solar installations. Further, all site work construction will be in accordance with all state and local laws and permits. See Exhibits 2 (Site Plan), 7 (Sound Study), 9 (Vegetation Restoration and Screening Exhibits), and 18 (Stormwater Erosion and Sediment Control Plan).

H. **Isolation of existing uses.** Approval of the use will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

**RESPONSE:** Agricultural land is the most compatible for the Project. Additionally, the Project has been designed so that it will not create any isolations of existing uses.

#### **20.06 Other Procedures and Requirements for Special Uses**

**A. Abandonment.** Any Special Use that ceases operations for more than 6 months shall be deemed “abandoned” under this Ordinance, and the Special Use permit shall be considered void. In the event of abandonment, the following process shall be required for campgrounds, wireless communications facilities, composting centers, outdoor recreation facilities, wind energy conversion systems, solar farms, mineral/soil/gravel extraction, junk yards, salvage yards, and any other use that, in the opinion of the Township Board, includes outdoor facilities, equipment, storage, or activities.

1. All outdoor equipment, structures, or stored material must be removed from the site, including, but not limited to, wind energy conversion systems, solar panels, wireless communication towers, equipment, vehicles, and any remaining items within an outdoor storage area. The removal shall be at the expense of the owner of the equipment, structures, or stored material (meaning, in the case of a solar farm, wind energy conversion system, or wireless telecommunications facility, the owner of the solar farm, wind energy conversion system, or wireless telecommunications facility). The Township Board may approve specific fences or accessory structures to remain in place. However, in the absence of such approval, fences and accessory structures must be removed.

**RESPONSE:** This requirement is met. See Exhibit 6 (Decommissioning Plan).

2. The removal process must begin within 3 months of the cessation of operations at the site, and must be completed within 12 months, unless a time extension is approved by the Township Board.

**RESPONSE:** This requirement is met. See Exhibit 6 (Decommissioning Plan).

3. The Township Board shall require a performance bond to guarantee all required equipment, structures, and/or stored materials are removed. At the time of the Special Use application, the applicant shall submit two third-party contractor bids for removal of all panels and related equipment, and the bond shall be the higher of the two bids. The Township shall review the bond every two years, including submission of two updated third-party contractor removal bids by the owner of the special use (meaning, in the case of a solar farm, wind energy conversion system, or wireless telecommunications facility, the owner of the solar farm, wind energy conversion system, or wireless telecommunications facility), and shall require an additional deposit if the amount is no longer sufficient to cover removal costs.

**RESPONSE:** This requirement is met. See Exhibit 6 (Decommissioning Plan).

4. A copy of the relevant documents (including the signed lease, deed, license, or land contract) which allows the installation of the special use, and which requires the special use applicant to remove all equipment, structures, and/or stored materials upon cessation of operations shall be submitted at the time of application. In the event that any equipment, structures, and/or stored materials are not removed within the twelve (12) months of the cessation of operations at a site, the panels and facilities shall be removed by the Township and the costs of removal assessed against the real property.

**RESPONSE:** This requirement is met. See Exhibit 6 (Decommissioning Plan).

## V. CONCLUSION

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Applicant respectfully requests that the foregoing materials be considered by the Planning Commission at the first available date and that the Project be recommended for approval and granted a Special Use Permit and Site Plan approval in accordance with the Ordinance. Under Michigan law, when an applicant qualifies under the enumerated circumstances for a special use permit, that permit must be issued to the applicant. *See* MCL 125.3504(3); *Room & Board Homes v Gribbs*, 67 Mich App 381 (1976). Moreover, if a site plan contains the information required by the zoning ordinance and is in compliance with the zoning ordinance, it must be approved. *See* MCL 125.3501(5); *Hessee realty, Inc. v Ann Arbor*, 61 Mich App 319 (1975); *Keating Int'l Corp v Orion*, 51 Mich App 122 (1974), *aff'd*, 395 Mich 539 (1975). As Applicant has met all criteria under the Ovid Township Ordinance, the Applications should be approved by the Township Board.

The Applicant team's strong track record follows a thoughtful and disciplined approach to development, leveraging its excellent technical expertise and industry relationships to deliver quality projects from greenfield through to operations. On behalf of the Applicant, we thank you in advance for your timely attention to this Application and look forward to working with the Township throughout the zoning approval process.